IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2198 OF 2006

Manubhai C.Patel .. Applicant.
Vs.
State of Maharashtra & Anr. .. Respondents.

Mr.M.K.Kocharekar i/b M/s.Nankani & Associates for the applicant.
Mrs.M.H.Mhatre A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 21ST JUNE, 2006

P.C.:

. Heard learned A.P.P. for the State.

2. The applicant in this application under section 482 of the Code of Criminal Procedure is seeking quashing of process issued against him by the learned Metropolitan Magistrate, 14th Court, Girgaum, Mumbai vide order dated 16th August, 2000 in C.C.No.645/S of 2002 filed by respondent no.2 under section 138. The applicant has approached this court directly without exhausting the efficacious remedy of preferring the revision under section 397(2) before the Sessions Court against the impugned order. This Court in **V.K.Jain and Others Vs. Pratap V. Padode and Anr. 2005(3) Mh.L.J.778** while dealing with similar application considered several judgments of the Apex Court mainly consisting of the judgment in

Madhu Limaye Vs. State of Maharashtra (1997) 4 SCC 551, Pepsi Foods Ltd. Vs. Special Judicial Magistrate and Others 1998(1) Mh.L.J. (SC) 599, Thansingh Nathmal Vs. The Superintendent of Taxes Dubri and Others AIR 1964 SC 1419 and held that the order issuing process is not an interlocutory order and hence the revision against such order is maintainable. Keeping the well settled position in law in view, this application is disposed of with liberty to the applicant to file revision before the appropriate Sessions Court against the order impugned in the instant proceedings. If such revision is filed same may be considered in accordance with law.

(D.B.Bhosale, J.)